

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: FEBRUARY 21, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-18266 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CRAIG MCCALL - OWNER: PHILLIP E. HEMPLER AND JOSEPH P. LEPIRE - Request for a Special Use Permit FOR A PAWN SHOP AND A WAIVER TO ALLOW A ZERO FOOT SEPARATION FROM AN EXISTING FINANCIAL INSTITUTION, SPECIFIED WHERE A 1,000 FOOT DISTANCE SEPARATION IS REQUIRED at 6032 West Cheyenne Avenue (APN 138-12-416-006), C-1 (Limited Commercial) Zone [SC (Service Commercial) General Plan Designation], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (4-2-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

58

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

7

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-2-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest letter and petition by Seyed Emamzadeh and revised plans
6. Submitted after final agenda – Protest letter and supplemental petition by Seyed Emamzadeh
7. Submitted at meeting – Support letters by Bill Curran and map of adjacent business owners
8. Backup referenced from the 01-11-07 Planning Commission Meeting Item 38

Motion made by STEVEN D. ROSS to Approve Subject to Conditions and adding the following conditions:

A. The hours of operation shall be limited to Monday through Saturday from 9 a.m. to 7 p.m., except December hours shall be from 9 a.m. to 9 p.m. The hours of operation on Sunday shall be limited to 10 a.m. to 5 p.m.

C. No exterior signage advertising payday loans shall be permitted.

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B. There shall be no outdoor display, sales or storage of any merchandise.

D. No firearms may be taken in pawn or sold retail on site.

E. No x-rated videos may be sold on site.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

LAWRENCE WEEKLY, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-GARY REESE)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY BILL CURRAN, Ballard Spahr Andrews and Ingersoll, appeared with applicant, CRAIG McCALL, owner. ATTORNEY CURRAN mentioned that MR. McCALL owns several pawn shops in Southern Nevada and other states. He has purchased several shops and is making efforts to upgrade these shops. It was pointed out that MR. McCALL is not seeking to build a new pawn shop; he desires to relocate an existing pawn shop. At COUNCILMAN ROSS' request, ATTORNEY CURRAN explained the four categories of lending institutions and the difference between each one. The four consist of payday loans, which usually are two to four week loans; title loans involving one's vehicle; installment loans that deals with household financing; and pawn shops, involving one's personal items being used for collateral.

ATTORNEY CURRAN showed photos of the subject pawn shop and a payday loan institution within the subject shopping center. In researching within a 3,000 foot radius, there are no other financial institutions specified; the closest one is located 3/4 mile to the east, one mile to the west, one and a half miles to the north and also to the south. In essence, there are very few financial institutions specified in the surrounding area. MR. McCALL and ATTORNEY CURRAN are aware that there is a coffee shop owner in the shopping center who opposes the subject request. The attorney then submitted a signed petition of support from nearby businesses. MAYOR GOODMAN clarified that the petition simply states "we do not oppose" rather than confirming their support. ATTORNEY CURRAN also showed photos of MR. McCALL's other businesses in the Valley, including a before and after look of the subject pawn shop. He noted that MR. McCALL is willing to have the same conditions applied to this subject application identical to those on his other businesses, and he read those conditions into the record. He respectfully requested approval, as he believed the business would be a great improvement, would benefit the neighborhood and play a part in revitalizing the area.

GEORGE MUNS, 5916 Paseo Del Mar, resides south of the subject shopping center, and is an area that is predominantly residential. He confirmed that there is an existing payday loan center and a bank within the shopping center and others nearby, which he felt were sufficient for the area and did not want to see another pawn shop in existence.

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SEYED EMAMZADEH, owner of the adjacent coffee shop, emphasized that he has had his business for the past 18 years and has been commended for maintaining a safe and family oriented atmosphere at his business. He visited the surrounding neighborhood and he got the impression that many residents did not support the subject request. He also had a signed petition of opposition from some of the nearby businesses and claimed that it consisted of 400 signatures. MR. EMAMZADEH stated that he has had the opportunity to request for the sale of alcohol in his business; respecting his patrons and the neighborhood, he chose not to do so. MR. EMAMZADEH stated he was informed by the applicant that he desired a jewelry store moreso than a pawn shop and wondered why he did not request such. Although he appreciated the applicant's efforts with his other pawn shops, he felt the request would have a negative impact on his business and may bring crime and safety issues to the forefront. He respectfully urged the Council to deny the applicant's request.

MAYOR GOODMAN questioned if MR. EMAMZADEH has experienced any negative impact on his business since the neaby payday loan center has existed. MR. EMAMZADEH responded that he was informed by a neighbor that there have been three robberies but not at his coffee shop. His coffee shop hours are from 6 a.m. to 2 p.m. and has not had any incidents at his business.

COUNCILMAN ROSS did not favor pawn shops and is sensitive to the subject area; he desires to see a project that creates economic value. He believed MR. McCALL has gone above and beyond in his efforts and is an industry leader, working with the Nevada legislature requiring that these businesses be held to a higher standard. The Councilman took the time to verify the signatures and stated there were 73 and many reside in North Las Vegas. He could understand MR. EMAMZADEH'S position but wondered why he has not purchased the building and expanded his own. MR. EMAMZADEH responded that should this application be denied, he would like to pursue doing so. COUNCILMAN ROSS noted that two individuals opposed the applicant's request at the Planning Commission meeting but one, BRENDA LOVATO, has changed her mind and is now in support of the request.

ATTORNEY CURRAN confirmed that the signed petition referred by MR. EMAMZADEH had taken place after a meeting with MR. McCALL. He then referenced another signed petition from the flower shop, which in essence, expressed support. MAYOR GOODMAN remarked that the only issue at hand is whether or not the subject pawn shop is appropriate for the subject area.

Although COUNCILMAN ROSS felt that there are too many of these shops in every neighborhood, he appreciated the owner's efforts and supported the request. He felt it would benefit and not cause a loss to MR. EMAMZADEH'S coffee shop.

MARGO WHEELER, Director of Planning and Development, read into the record conditions dealing with the hours of operation, which will be Monday through Saturday 9 a.m. to 7 p.m., Sunday 10 a.m. to 5 p.m. In addition, no outdoor display or exterior signage, and firearms can only be sold to dealers and not retail.

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MAYOR GOODMAN preferred a condition be added relating to no firearms or x-rated videos to be sold. ATTORNEY CURRAN clarified that the applicant accepts guns as collateral but they are returned to owner upon payment in full. Responding to COUNCILMAN ROSS, MR. McCALL pointed out that the employees were just trained at one of his stores. His stores have gun safes. Some people like to pawn their firearm outside of the hunting season to avoid having the guns within their homes. Although there is some revenue in storing the guns at the pawn shop, he would agree to the condition prohibiting guns. COUNCILMAN ROSS supported the condition as well, as he desired to see MR. EMAMZADEH'S business continue to thrive. He also knew that Metro and the ATF could appreciate the condition, especially in this particular neighborhood. He also requested that a copy of the redesign be submitted to Planning and Development, in which ATTORNEY CURRAN concurred.

MAYOR GOODMAN declared the Public Hearing closed.

